



PHOENIX HOUSE MONTESSORI NURSERY SCHOOL

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Information sharing, Confidentiality and Data Protection:

This policy was revised in March 2015; under the term “Advice for practitioners providing safeguarding services to children, young people, parents and carers”. The policy also covers sharing information with agencies, covering data protection, confidentiality and how we record information at our setting on child development and concerns.

This policy which is in place sets out a clear process and principles for sharing information internally and record keeping. This policy also covers sharing information with other organisations and practitioners, such as local authorities and their chosen delegated children’s social care functions, and the Local Safeguarding Children Board (LSCB).

Our policy outlines our requirements as a setting under the laws for sharing information and obtaining information.

The setting ensure that we follow the Seven rules for sharing information; these are rules are:

1. Remember that the Data Protection Act 1998 and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.
2. Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice from other practitioners if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be certain of the basis upon which you are doing so. Where you have consent, be mindful that an individual might not expect information to be shared.
5. Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.
6. Necessary, proportionate, relevant, adequate, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely (see principles)
7. Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

8. Sharing Information

Sharing information is an intrinsic part of any frontline practitioners' job when working with children and young people. The setting has no fears about sharing information especially when our duty is to safeguard and promote the welfare of children at risk of abuse or neglect; it also includes supporting a child's development.

Our staff at Phoenix are skilled practitioners who are in the best position to use their professional judgement about when to share information with colleagues working within the same organisation, as well as with those working within other organisations, in order to provide effective early help and to keep children safe from harm and to assess their developmental needs.

Phoenix Montessori emphasises that the safety and welfare of children is of paramount importance and we highlight the importance of our employees to feel confident about when and how information can be legally shared.

All staff at Phoenix Montessori Nursery, from practitioners to management understand the circumstances in which they may lawfully share information, and that it is in the public interest to prioritise the safety and welfare of children. Information sharing can also include health visitors and support workers; offering advice on child development and wellbeing.

The staff will also share information with parents / carers about their child's progress and developmental stages. A copy of this record is kept in the child's personal file.

Data Protection:

Where there are concerns about the safety of a child, the sharing of information in a timely and effective manner between organisations can reduce the risk of harm. Whilst the Data Protection Act 1998 places duties on organisations and individuals to process personal information fairly and lawfully, it is not a barrier to sharing information where the failure to do so would result in a child or vulnerable adult being placed at risk of harm.

Similarly, human rights concerns, such as respecting the right to a private and family life would not prevent sharing where there are real safeguarding concerns. There are record keeping systems in place that meet legal requirements; means of storing and sharing that information take place within the framework of the Data Protection Act and the Human Rights Act.

The principles

The principles set out in this policy are intended to help practitioners working with children, young people, parents and carers share information between organisations which is beneficial to the child's wellbeing and development. Practitioners should use their judgement when making decisions on what information to share and when. Staff should consult with their manager if in doubt. The most important consideration is whether sharing information is likely to safeguard and protect a child. It also considers sharing information to support child development.

Necessary and Relevant

The setting considers all angles of the situation before sharing any information with others and what information is necessarily needed to be shared. The Data Protection Act 1998 requires the setting to consider the impact of disclosing information.

This allows others to do their job effectively and make sound decisions according to the child's needs.

Adequate and Accurate

We ensure that all our information is adequate and accurate. All our information gathered is of the right quality to ensure that it can be understood and relied upon. Each situation is observed sufficiently and monitored to ensure the safety and wellbeing of the child is paramount. Parents are required to notify the setting of any changes made to their child's personal details; this includes updating us with telephone numbers and addresses.

Secure

Wherever possible, information will be shared in an appropriate, secure way. Documents are filed away in a secure environment and those who require such information have access to it.

Parents can request access to their child's information; however we do require this in writing.

Record

All our information sharing decisions are documented whether or not the decision is taken to share such information with others.

If the decision is to share, reasons should be documented including what information has been shared and with whom, in line with our procedures.

The setting has a duty to record all information shared; including parent discussions that may have a concern or are related to child development.

The setting keeps two kinds of records on children attending our setting:

Developmental records

- These include observations of children in the setting, photographs, samples of their work and summary developmental reports.
- These are usually kept in each class room and can be freely accessed upon request. These records are contributed to, by staff, the child and the child's parents.

Personal records

- These include registration forms, signed consent forms, and correspondence concerning the child or family, reports or minutes from meetings concerning the child from other agencies, an ongoing record of relevant contact with parents, and observations by staff on any confidential matter involving the child, such as developmental concerns or child protection matters.
- These confidential records are stored and kept secure by the Manageress in the office.
- Parents have access to the files and records of their own children but do not have access to information about any other child.
- Staff will not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs however all information is shared with the management team. Staff induction includes an awareness of the importance of confidentiality in the role of the key person.
- We retain children's records for three years after they have left the setting except records that relate to an accident or child protection matter, which are kept on file. These are kept in a secure place in the setting.

Other records

- We keep a daily record of the names of the children we are caring for, their hours of attendance and the names of their key person.
- Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions.